



# MITCHELL-LAMA RESIDENTS COALITION

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WEBSITE: [www.mitchell-lama.org](http://www.mitchell-lama.org)

## ***Biden-Harris on housing: rezoning, anti-discrimination, tax credits***

In his second inaugural address, some eighty-three years ago, President Franklin Delano Roosevelt uttered these words:

"I see one-third of a nation ill-housed, ill-clad, ill-nourished. . . . The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little."

Soon thereafter, he signed the Wagner-Steagall Housing Act which provided a half-billion dollars in loans--today worth several trillion dollars--to create affordable housing projects throughout the country. With that act, the then President let it be known how important adequate affordable housing was to his administration.

Today, although housing was never a central focus of the recent elections, President-elect Joe Biden has issued position papers on the issue.

Following is a summary of the Biden approach, based on a report in Forbes magazine. The program would allocate \$640 billion over ten years to accomplish the following:

**Create an Affordable Housing Fund** of \$100 billion, about two-thirds of which would offer incentives "to develop and rehabilitate low-cost

housing where there's a shortage." The funds would focus on altering zoning regulations, to allow for a larger number of buildings in various areas, as well as more dense buildings, both of which would include below-market-rate units

**Increase the Section 8 housing choice voucher program.** Under Biden's plan, the program would become an entitlement, thereby "ensuring vouchers to all eligible people." In addition, Section 8 recipients, and beneficiaries of any other government assistance, would be protected nationally through laws banning discrimination against anyone who receives federal sources of income.

**Reimpose fair housing laws and rules** promulgated under the Obama administration. In particular, Biden would reinstate the Obama administration's Affirmative Furthering Fair Housing (AFFH) rule, which required localities receiving federal funds to actively create various programs (not necessarily rezoning) to not only ban, but eliminate, "housing discrimination in their localities." This initiative takes on more importance today in light of pervasive evidence of institutional racism. (President Trump, whose  
*(Continued on page 8)*

## **Judge rules against landlords' lawsuit on NYS rent regs**

Arguing that a century's worth of case law has demonstrated unequivocally that the government may pass laws and regulations restricting landlords' ability to charge whatever rents they choose, and may even impose other stipulations, under any and all circumstances, a New York judge in September essentially dismissed all the claims made by two landlord associations challenging New York State's historic passage of laws last year that supported tenants' rights.

The two owner associations, the Community Housing Improvement Program (CHIP) and the Rent Stabilization Association (RSA), charged in their suit that the laws lowered real estate values, and were therefore unconstitutional. Specifically, the suit charged that the regulations were overly burdensome, and therefore violated the US Constitution's Taking and Due Process clauses.

The judge, Eric Komitee of New York's Eastern District Court, dismissed the complaint outright. "Rent regulations have now been the subject of almost a hundred

*(Continued on page 8)*

**Mitchell-Lama United  
Legislative activities,  
page 6**

**Strengthen MLRC  
Join today (use form on page 2)**

**MLRC  
General Membership Meeting  
Saturday, January 23, 2021**

**Note: During the Covid-19  
pandemic, the next meeting will be  
held online via Zoom. Members will be  
informed by regular mail**

**CONTACT: [Info@mitchell-lama.org](mailto:Info@mitchell-lama.org)**

Mitchell-Lama Residents Coalition  
PO Box 20414  
Park West Station  
New York, NY 10025

## New Queens towers to offer 5,000 affordable apts via lottery

A series of towers in the Hunters Point South section of Queens, a former industrial area long in disuse, will provide around five thousand new apartments, most of which will be considered affordable for a variety of income levels. The buildings will



occupy seven long blocks, from 50th to 57th Avenues.

An additional amenity will be offered to

the future residents: the buildings are right next to a new pedestrian-friendly walkway, a green oasis that curves alongside the waterfront, an "ecologically sensitive 11-acre park [that] was 11 years in the making,"

according to a report in an architecture newsletter. The native plants "also filter and clean the river," the report continued.

Developers of the buildings include TF Cornerstone and Related Companies, among others, who were attracted to the site by the park and the fact that the City paid for the land and public infrastructure. The public funding reportedly made it easier for the developers to funnel their cost savings into affordability.

A lottery for the units, which are expected to be open in February, will be available through November via [New York Housing Connect](#). Rents may range from roughly \$700 to \$2500 for studios, \$850 to \$2600 for one-bedrooms, and \$1100 to \$2800 for two-bedrooms. Residents of Sunnyside, Woodside, and Long Island City will have access to reserved apartments.

## City to restore half the funds cut from affordable housing program

Following an outcry from the City Council and nonprofit advocacy organizations over the City's plan to cut around a billion dollars in housing capital funds—a consequence of Covid-19's economic devastation—Mayor Bill de Blasio announced in October that nearly half the amount will be restored.

The money is to be used to finance the preservation and /or construction of around 10,000 affordable apartments, which would generate several thousands of construction jobs.

According to the City administration, around 166,000 units have been created that are affordable to a family of three with an in-

come of less than \$51,200.

Most of those units have been generated through upzoning lower income neighborhoods, which allows developers to construct luxury, that is, market rate, high rise buildings so long as a percentage of the ensuing apartments are set aside as affordable. Upzoning, however, has been criticized for requiring too high an income, and for propelling displacement of the residents.

Lately, however, the City has been advocating the upzoning of higher income neighborhoods, such as Manhattan's SoHo. See story, page 5.

### UPCOMING EVENTS

## MLRC General Membership Meeting

Saturday, January 23, 2021

Note: During the Covid-19 pandemic, the next meeting will be held online via Zoom. Members will be informed by regular mail

CONTACT: [Info@mitchell-lama.org](mailto:Info@mitchell-lama.org)

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## JOIN THE MITCHELL-LAMA RESIDENTS COALITION 2021

INDIVIDUAL: \$15 per year; DEVELOPMENT: 25 cents per apt (\$30 Minimum; \$125 Maximum)

Name \_\_\_\_\_  
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 City \_\_\_\_\_ State \_\_\_\_\_ Zip code \_\_\_\_\_  
 Evening phone \_\_\_\_\_ Day phone \_\_\_\_\_  
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 Current ML: Co-op \_\_\_\_\_ Rental \_\_\_\_\_  
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 Development \_\_\_\_\_  
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Donations in addition to dues are welcome.

NOTE: Checks are deposited once a month.

Mail to: MLRC, PO Box 20414, Park West Finance Station, New York, NY 10025

## Brooklyn landlords sued for violating rules of 421-a tax abatement program

A series of class action lawsuits against four Brooklyn landlords charge the owners with violating the requirements of a tax abatement program to skirt the limits on regulated rents.

Landlords named in the suits, filed in Kings County Supreme Court, are John Catsimatidis (the billionaire owner of the Red Apple supermarket chain), Muss Development, Spruce Capital Partners, and Chaim Miller.

Under the program, known as 421-a, owners receive a tax abatement if they offer tenants a reduced, or "preferential," rent for the first leasehold period of a rent-regulated apartment. The owners are then required to register lower rents with the state's Division of Homes and Community Renewal of the rent they offer.

But the lawsuits, filed by Housing Rights Initiative, an advocacy group, charge that the owners registered the original, higher rents with the state. Those higher rents, rather than the actual charged rents, then become the base for future rent increases, every time a lease is renewed or the apartment is vacated.

Aaron Carr, who heads the advocacy group, said the landlords are "setting the initial rent at an inflated amount and now every subsequent increase will also be inflated. What happened in the past is now screwing everyone in the future."

An example of how the manipulation worked was given by The City, an online news service that broke the story.

"The landlord of a new Bedford-Stuyvesant building, 180 Franklin Avenue, gave [the tenant] a two-month discount. . . when she signed a lease in 2017, making her average monthly rent \$2,484.44. . . But the owner had listed \$2,777 for the unit with the state's Division of Housing and Community Renewal . . . When [the tenant] tried to renew her lease in the summer of 2019. . . the building owner jacked the rent to \$2,836.93, her attorneys say."

Attorneys for the owners reject the allegations. For example, the attorney representing the owner of 180 Franklin, Muss Development, declared that the lawsuit is "frivolous and has absolutely no merit whatsoever."

Other landlord attorneys agree. According to The Real Deal, one of them argued that "there is legal precedent establishing that a temporary rent concession does not reduce legal rent."

But according to an attorney for the tenants, the "section of the Rent Stabilization Code that deals with the establishment of initial rents for units under 421a states that the legal rent is 'the initial adjusted monthly rent charged and paid.'"

### Obituary

#### Harold Donahue

Harold Donahue, a former member of the board of the MLRC, passed away in October 2020. He was 78 years old. The cause of death was brain cancer.

Donahue, who resided for more than 35 years at Independence Plaza North, a former Mitchell-Lama development in Tribeca, had been an active supporter of tenants' rights, helping to organize a widely-reported and successful rent strike during the 1970s to protest a seemingly endless series of "hardship" rent increases granted by the city to the then owner.

First as president of IPN's tenant association, and later as a member, he continued his activism over the years, often as part of a team negotiating with various state and city agencies. He also served for a while on Community Board #1.

After the IPN development was sold in the early 2000s to Laurence

Gluck of Stellar Management, who had initially intended to transform the entire development to free market rents, Donahue continued as a participating member of the tenant opposition.

Following years of negotiating, the tenants and owner reached a contractual agreement that provided federal subsidies to low income tenants, and a requirement to keep rents for other pre-existing tenants in basic accord with rent stabilization rulings. New tenants would pay market rates.

Donahue had also been a member of the Downtown Independent Democrats, and had worked as an aide to the late assemblyman William F. Pasanante.

His profession was teaching. For years, after earning his PhD, he taught English at the New York City College of Technology in Brooklyn and at Medgar Evers College, both part of the City University of New York.

## New law requires owners to make repairs in 60 days

Landlords who traditionally get long extensions to make court ordered repairs will now have only sixty days to follow the court's orders, or face the possibility of seeing a court-appointed administrator take over the repair process at their expense.

Sponsored by Sen. Robert Jackson and Assemblyman Jeff Dinowitz, the bill was signed into law by Gov. Andrew Cuomo in November.

Motivation for the law was the death of eight-year old Jashawn Paker, who died in a 2002 fire at 3569 DeKalb Avenue in the Bronx, where the owner had been granted years to make repairs, even while tenants complained constantly about the building's physical deterioration.

"I have no patience for any landlord who claims this will cause them financial harm – these are things that every property owner has an obligation to do," said Dinowitz, "and it is only because of their continued negligence that tenants had to seek help from Housing Court at all."

The bill will go into effect in December.

### Tips for warming your home during the fall-winter season

As the season moves into ever-colder weather, buildings throughout the city will have to adhere to legal heating requirements. And while landlords and management companies are responsible for maintaining adequate temperatures, tenants and cooperators can do a number of things on their own if their apartments are insufficiently warm.

If you're not getting enough heat, as registered by a thermometer in the middle of your room:

- Cover or remove your air conditioners.
- Make sure your windows are closed.
- Ask the super to check your radiators and fix any windows that don't close properly.

#### If the above efforts don't work:

• Contact your tenant association (or form one!) and see who else has the same problem.

• Go to [JustFix.nyc](https://www.justfix.nyc), put in your address, and click on "send a letter to your landlord." (While you're at it, check out what else is available on [JustFix.nyc](https://www.justfix.nyc).)

• Call 311 -- and ask your neighbors to do the same. When you've collected about ten 311 complaint numbers, email them to your City Council member and ask for some response.

• On [JustFix.nyc](https://www.justfix.nyc), start a Housing Part (HP) proceeding in Housing Court for relief.

## Tenants in Kushner Companies sue owner over fire hazards

A real estate firm owned by the family of Jared Kushner, son-in-law and key advisor to President Donald Trump, was sued by tenants in several of the East Village buildings owned by the firm since 2013.

Filed by Housing Rights Initiative, the lawsuit seeks to prevent Kushner Companies from collecting rent in light of serious building violations, including faulty sprinklers, a boiler chimney problem, and dangerous egress conditions. Tenants want to stop paying rent until the owners obtain a certificate of occupancy from the city's Department of Buildings.

A temporary CO had been granted, but the suit argues that it was obtained illegally, following papers filed by Kushner falsely asserting that the sprinkler systems were working. The suit also alleges that construction of penthouses were undertaken without

work permits.

A review of DOB records by the cable news network CNN uncovered more than 39 complaints and stop-work orders. In 2018, the DOB found a "failure to maintain building in code-compliant manner, and that in the cellar the "valve to sprinkler system was closed and gages were showing no water in the system." The papers also noted a "Failure to provide an automatic sprinkler system."

A Kushner Companies spokesperson maintained that the lawsuit was "just more of the same politically motivated harassment--each of these properties has been certified by the NYC Department of Buildings as safe to occupy and in compliance with applicable building codes." The certifications referred to were those alleged to be fraudulently obtained.

## Legal Aid suit alleges City negligent in providing virus-safe care for homeless

The Legal Aid Society and a private law firm, Jenner & Block, sued the City and several of its departments and officials in October, alleging that the defendants were insufficiently providing homeless citizens with medically safe shelter during the Covid-19 pandemic.

The Society calls on the City to provide a single-occupancy hotel room to every homeless adult New Yorker "until public health authorities determine it is safe to return to congregate settings."

Filed in Manhattan's Supreme Court, the suit charges that the City's refusal to offer that service violates the state's constitution, which guarantees adequate "support of the needy."

In response, the City claimed the suit was without merit. For example, the Department of Human Services, one of the agencies sued, says that it has placed around 13,000 homeless adults in the hotel shelter system.

However, many of those placed share rooms with others--a dangerous situation in light of the airborne nature of the coronavirus, according to the suit.

### Obituary

## Jeanne Poindexter

MLRC and Cooperators United for Mitchell-Lama (CU4ML) sadly report the passing of Jeanne Poindexter, member of both organizations, on July 15, 2020 at the age of 83. Cause of death was not known.

An internationally known and respected microbiologist, Jeanne was a strong and passionate advocate for the protection of Mitchell-Lama cooperatives and their residents. She worked tirelessly for her community at East Midtown Plaza and helped found and lead Cooperators United for Mitchell-Lama for many years.

In 2018, she moved to Camden, Maine to be near her daughter after suffering health setbacks.

Her scientific credentials were outstanding. From the 1960s to 1990s, Jeanne worked as a professor or research scientist at Indiana University, NYU, Medgar Evers College, the Public Health Research Institute (N.Y.), the Marine Biological Laboratories in Woods Hole, Ma., LIU, and Barnard.

An obituary in a Maine newspaper noted that she was "Long

recognized for pioneering research on the stalked bacterium *Caulobacter crescentus*, she was a member of the American Society for Microbiology (ASM) for over 60 years, was a Fellow of the American Academy of Microbiology since 1993, and was Chair of ASM's Division I: General Microbiology in 1991.

As a tribute to Jeanne and her valuable work organizing Mitchell-Lama residents let's collect our memories of Jeanne. How did she help your cooperative organize? What suggestions did she make? What support did she give? Let's share these memories and then send them to her family to demonstrate our debt to Jeanne.

Please send your thoughts to [Cu4ml.nyc@gmail.com](mailto:Cu4ml.nyc@gmail.com)

*More information on her scientific background is available [here](#) and [here](#)*

<https://www.penbaypilot.com/article/jeanne-stove-poindexter-obituary/136522>;

<https://asm.org/Obituaries/In-Memoriam-Poindexter,-Jeanne-Stove>

## MLRC Developments

**These developments are members of the Mitchell-Lama Residents Coalition**

**Individual Membership: \$15 per year  
Development Membership: 25 cents per apt  
(\$30 minimum; \$125 maximum)**

*Donations above membership dues are welcome*

Adee Towers	Assn
Amalgamated Warbasse	Meadow Manor
Arverne Apartments	Michelangelo Apartments
Bethune Towers	109th St. Senior Citizens Plaza
Castleton Park	158th St & Riverside Dr. Housing
Central Park Gardens	Parkside Development
Clayton Apartments	Pratt Towers
Coalition to save Affordable Housing of Co-op City	Promenade Apartments
Concerned Tenants of Sea Park East, Inc.	RNA House
Concourse Village	Riverbend Housing
Dennis Lane Apartments	River Terrace
1199 Housing	River View Towers
Esplanade Gardens	Rosedale Gardens Co-op
Franklin Plaza	Ryerson Towers
Independence House	Starrett City Tenants Assn
Tenants Assn	St. James Towers
Independence Plaza North	Strykers Bay Co-op
Inwood Towers	Tivoli Towers
Jefferson Towers	Tower West
Knickerbocker Plaza	Village East Towers
Linden Plaza	Washington Park SE Apts
Lindsay Park	Washington Square SE Apts
Lindville Housing	Westgate Tenants Assn
Lincoln Amsterdam House	Westgate
Manhattan Plaza	Westview Apartments
Marcus Garvey Village	West View Neighbors Assn
Masaryk Towers Tenants	West Village Houses

## SoHo upzoning battle looms over Mayor's housing proposal

A new battle between advocates of affordable housing and historic preservationists is starting to brew in the Manhattan community of SoHo, an expanse that has gone through numerous transformations over the decades, from a largely commercial and industrial area to a haven for low-income artists who rented spacious abandoned lofts (often under cover), then to a destination of tourists visiting art galleries and historic cast iron buildings, and now to a largely white residential area of high-end apartments, lofts and chic retailers.

Under a plan put forth by Mayor Bill de Blasio, the area extending roughly from Canal to Houston Streets, and Sixth Avenue to Lafayette Street (plus a small part of NoHo) would be upzoned to allow developers to create buildings far taller than currently allowed, so long as roughly a quarter of all new units will be affordable. That would amount to around 3200 apartments.

### Historic cast iron buildings

But the area currently boasts most of the last remaining five hundred low-level cast iron buildings constructed largely in the second half of the 19th century. Because of the inherent strength of cast iron, those buildings, while not very high, allowed for large spacious interiors and enormous windows without the need for space-gobbling wooden columns.

As such, they were originally occupied by factories. Some seven or eight decades later, the factories vacated; owners of the buildings then began to offer the vast empty spaces to low-income artists at sharply reduced rents--who jumped at the opportunity.

Art galleries soon followed the artists. Eventually, as wealthier people were attracted to the "artists neighborhood," rents in the lofts began to soar, ultimately forcing out the artists themselves.

Because upzoning offers developers the opportunity to construct soaring towers, transforming what is now a "human-sized" neighborhood, preservationists are already up in arms. Andrew Berman, who heads the Greenwich Village Society for Historic

Preservation, condemned the proposal as allowing for still more luxury sky-high buildings in a city already experiencing a surfeit of such structures.



Cast iron buildings in SoHo

Berman noted that support for the rezoning comes largely from the Citizens Housing and Planning Council, on whose "board sits large developers such as Edison Properties which owns two of the largest development sites in SoHo and NoHo."

He added that his own organization has long supported more low-income housing in SoHo. "We have consistently made clear that new affordable housing is welcome in our neighborhoods, including in SoHo and NoHo, even waging a letter writing campaign to city officials indicating so," he wrote in a City Limits article. "And in dozens of meetings, I have never heard a single person object to increasing affordable housing in the neighborhood; if they have, they would certainly not get support for that cause from my organization."

### Progressive support

Notwithstanding developer influence, support for the proposal has also come from some officials long associated with progressive causes. Among them are Brooklyn Borough President Eric Adams and City Comptroller Scott Stringer.

Adams said that upscale neighborhoods like SoHo "have long been underutilized" and that upzoning "will allow us to add affordable housing in a desirable place to live."

## Many more NYCHA units found to have lead paint

The federal official charged with monitoring NYCHA's efforts to clean up lead paint reported in October that the number of infected apartments containing children under six years of age was three times the number that Authority officials had initially

specified. Following a canvas of door-knocking and testing, Bart Schwartz, the federal monitor, said that around nine thousand apartments with young children tested positive for lead paint, not the three thousand that NYCHA officials originally predicted.

## Jonathan Rose Cos closes \$525 million fund for affordable units

Jonathan Rose Companies, one of the nation's largest developers and promoters of affordable housing, has recently closed a \$525 million fund dedicated to preserving below market-rate units. To "close" a fund means to reject any additional investors, to prevent management becoming unwieldy.

Among its endeavors in various parts of the United States, the company has acquired an affordable housing development on the Upper West Side--65 West 96th Street--which contains units occupied by Section 8 and Mitchell Lama tenants. The building, known as Tower West, was constructed in 1971.

According to news reports, the firm has consulted with those residents on renovating the lobby and establishing energy efficiency. But those efforts are temporarily on hold because of the Covid-19 pandemic.

Other company projects in the city include a development under way in the Bronx; a development of mostly affordable units at The Tapestry in East Harlem; and mixed-unit projects in Brooklyn's Gowanus and Fort Green neighborhoods.

## Landlord using high tech in your building? New group wants to help you find out

Concern over "landlord tech" -- new technology that increasing numbers of building owners are using to perform a variety of functions previously done in person -- such as tenant screening, evictions, debt recovery, home and neighborhood surveillance, even access to one's own building -- is growing among activists and their supporters.

Much if not most of the new technology is installed by owners without discussing potential impacts on tenants and others in the community, according to a new organization designed to help tenants and cooperators deal with the technology.

The group, Landlord Tech Watch, has provided a website to enable tenants to locate where, and what types, of such technology is installed in their communities. Website readers are asked to fill out a questionnaire.

"Landlord Tech can also be used to automate evictions, racial profiling, and tenant harassment. . . [and] to abet real estate speculation and gentrification, making buildings more desirable to whiter and wealthier tenants," according to the website.

The website is <https://antievictionmappingproject.github.io/landlordtech/>

To access the site, click [here](#), or copy and paste it onto a new computer window.

## Seaport proposal seeks to add one hundred new affordable units

A \$1.4 billion proposal to transform a block-wide parking lot in Manhattan's South Street Seaport neighborhood into a residential strip with one hundred affordable apartments was advanced in October by the Howard Hughes Corporation.

Although the proposal would generate the first new affordable housing in the area in decades, it would barely compensate for the loss of nearby

Southbridge Towers, a former Mitchell Lama development that went private several years ago via a co-op conversion. The result of that process was the elimination of more than 1,650 affordable units.

If brought to fruition, the Hughes proposal would offer affordable apartments at 250 Water Street, in an upscale area where almost all the existing housing is at market rent. At last count, the Area Medium Income was more than \$150,000.

Availability in the proposed housing would be limited to families earning forty percent of that amount. Those apartments would be adjacent to market rate rentals and condominiums.



Seaport parking lot

In addition to the new housing, the proposal offers to refurbish the historic buildings in the area, along with the cobblestone streets and the South Street Seaport museum.

Support for the proposal came from Community Board 1. "With a design appropriate to its upland location, this proposal will create a safe,

more unified pedestrian experience for those of us who live nearby," said Paul Hovitz, a long time member of the board. "And critically, it will bring the first mandatory affordable housing to Community Board 1. I'm very pleased to support this plan, which will spur economic recovery for our local small businesses and merchants, and greatly improve our community."

Before any work on the proposal can be done, the city's planning process, known as ULURP, must begin. It will start with a formal presentation in December, and will extend into the spring of 2021. Assuming no insurmountable objections occur, construction is tentatively slated to start in 2022.

## Councilmembers seek more affordable housing in Flushing waterfront rezoning plan

A contentious zoning plan to construct a 13-building mostly-luxury project along Queens' 29-acre Flushing Creek, complete with 1,700 condos, hotel (with 2,000 luxury rooms), retail space, and a public access area, ran into yet another obstacle from the City Council in December, when some members said they wanted more of the units to be affordable.

Among those who sharply question the plan, including various community and tenant activist organizations, was Councilman Antonio Reynoso. At a Council hearing, which was part of the land use process undertaken to evaluate all major rezoning and development projects in the city, Reynoso addressed the Chinese transnational developers, by noting that "Over 70,000 people are living in homeless shelters and you're

talking about nonsensical [regulations] and saying you don't need to do affordable housing?"

Among residents in the low-to-moderate income community, fears are widespread that the development will inevitably result in the usual gentrification and displacement of long time residents. Their opposition is similar to that of the residents in Brooklyn's Sunset Park community, which recently torpedoed a developer's plan to rezone the area's Industry City.

Not all Councilmembers, however, oppose the plan. Peter Koo, a member from Flushing, supports the project, arguing that waterfront revitalization is vital for the community's economic prospects, including the creation of a promised 3,000 jobs.

## Mitchell Lama United announces legislative and outreach efforts to preserve M-L program

Mitchell Lama United, a recently formed coalition of groups supporting the M-L program, announced in November a series of legislative and related initiatives.

Chief among them is an effort to place a moratorium on "the pursuit and expenditure of any steps toward privatization" of M-L developments so long as the COVID-19 pandemic continues (and for six months thereafter).

Toward this end, the group has been working with the staff of Assemblymember Linda Rosenthal, a Democrat representing parts of Manhattan's Upper West Side, to draft relevant legislation.

The resulting bill, when completed, would also prevent the transformation of former M-L co-ops that are now known as Housing Development Fund Corporations (HDFCs) to free-market cooperatives.

### 'Best practices' position paper

In addition, MLU is ramping up its efforts to secure sponsorship from both assemblymembers and state senators of bills based on its "white paper," a statement offering best practices in good governance of M-L co-ops. The paper also contains proposals to impede the privatization process.

On the local level, MLU has "reached out to local representatives in the form of virtual presentations emphasizing the Mitchell-Lama model as the best way of preserving and expanding affordable housing in New York," according to a statement released by the group.

After one of these presentations--a briefing hosted by Councilmembers Brad Lander, Robert Cornegy and Carlina Rivera--fourteen councilmembers signed a letter seeking a virtual meeting with the commissioner and staff of the city's Department of Housing Preservation and Development. That meeting was held.

Presentations were also made at the Brooklyn Borough Board and the Brooklyn Mitchell-Lama Task Force.

MLU is now preparing to expand its "virtual roadshow" to other borough boards and to individual Community Boards.

Anyone interested in joining in MLU's efforts is welcome to send an email to [mitchelllamaunited@gmail.com](mailto:mitchelllamaunited@gmail.com).

## Affordable housing news from around the nation

### National: Church properties for affordable housing?

During the first few months of the COVID-19 pandemic, Sunday attendance at churches throughout the country plummeted to zero, and even now, as some houses of worship open, attendance nationally is far below of what it had been. Coupled with a steady national decline in religiosity, the situation has forced many churches to face once unimaginable financial crises. One increasingly popular solution: transforming unused church properties to sites for affordable housing. As noted by San Diego's Yes in God's Back Yard (YIGBY), "If [the coronavirus] leaves us with more open space to build more desperately needed housing, amen."

### Decatur, Ala: Housing Authority segregates residents by color

A US Department of Housing Urban Development study revealed that the housing authority in Decatur, Alabama, segregated Black and white residents into separate buildings, a violation of long-standing federal law. The HUD investigation also found that white residents received additional amenities, such as walking trails, riverfront views, a library, meeting spaces, a community kitchen and a patio. None of these were available to the buildings in which Black residents lived. As a result of the investigation (which found similar violations in the Mississippi and Georgia housing authorities), the Decatur authority said it will spend \$200,000 to compensate victims and will provide \$1 million in upgrades.

### San Francisco: Move towards 'social housing'

A November ballot in San Francisco calls for the city to begin a process of "social housing," by authorizing it to "own, develop, construct, acquire, or rehabilitate up to 10,000 affordable rental units." If the measure passes, it would harken back to the nation's early efforts to promote public housing, which began in 1933 during the Great Depression. Supporters of the ballot measure say they are motivated by social housing developments in Vienna, Singapore, and Hong Kong, where tenants in these publicly owned developments have a variety of incomes.

In a related move, the city restored funding for the Tenants Right to Counsel



program, which enables tenants facing eviction to access a lawyer. During its first year, the program has so far resulted in a decline of ten percent of evictions.

### Philadelphia: Families occupy 12 vacant PHA buildings

A group of homeless families and individuals numbering about fifty people have moved into twelve empty Philadelphia Housing Authority buildings. Many of the squatters are single-parent mothers and children, who have begun to make their own repairs, such as painting and plumbing. As of this writing, the agency's police have not moved to evict them, but the squatters are aware of the way the police removed homeless people from three encampments along a highway in January, and uprooted several dozen people in an encampment near the city's convention center in March.

### Charlotte, NC: Affordable units for homeless & health workers

A men's homeless shelter and a local health provider have joined forces to house not only the homeless but health care workers who assist them. The nonprofit shelter, known as Roof Above (formerly the Urban Ministry Center), partnered with Atrium Health to purchase a 341-unit building for \$50 million, guaranteeing affordability for the next 27 years. Units will be available to essential health care workers earning up to 80 percent of the area's medium income, or about \$63,000 for a family of four. Although the building is currently partially occupied, no existing tenant will be forced to move; rather, vacancies will be filled as they occur. Funding came from the city, Fannie Mae, and private donations.

### Cincinnati: Tenants get a break in paying security deposits

Apartment-seeking tenants in Cincinnati who do lack sufficient income to pay the full security deposit now have the legal option either to pay the owner in installments, pay an insurance company in small monthly amounts, or pay a reduced security deposit of no more than half the monthly rent. Similar laws are either in effect or have been proposed in a few other states.

### Detroit: \$48 m for housing

Detroit raised \$48 million in October to start a public-private partnership to preserve 10,000 affordable housing units and build 2,000 new ones.

## Local Housing Briefs

### Freddie Mac loan will keep Ocean Towers affordable

A \$48 million Freddie Mac loan was secured by a community developer and a financial partner to refinance Ocean Towers, a former Mitchell Lama rental in Coney Island. The nineteen story 360-unit building had exited the M-L program in 2006, but the apartments remained affordable when the Community Development Trust, a national group, acquired and renovated it with financial aid from HPD and the City Council. The current loan, secured under the Freddie Mac Targeted Affordable Housing Loan program, will preserve affordability for the mostly lower-income tenants of Ocean Towers, where nine out of ten units receive rental vouchers.

### NYCHA's efforts to improve ventilation falls beyond schedule

The New York City Housing Authority's commitment to improve ventilation by fixing clogged roof fans in its buildings, made more crucial in light of COVID-19, is well beyond schedule. Part of the reason, according to a story in online news reporter The City, is that the contractor hired to do the work--installing ten thousand new fans--at a cost of ten million dollars, is facing accusations of starting a fire on a roof it was repairing, and of defaulting on a \$500,000 bank loan.

### Affordable units slated for Mount Hope building

Efforts to demolish a building in the Mount Hope section of the Bronx, and replace it with a mixed-use building utilizing some Mitchell-Lama rental provisions, have been reported in August. The development, at 1978 Valentine Avenue, between East 178th Street and East 179th Street, is in a prime location, near public transportation. Permits for the replacement project were filed by Bronx Have LLC, a unit of the Camber Property Group. The development is part of a group of eight-buildings slated to include 1,275 affordable units and community space.

### Small NYC landlords report loss of rent in September

The landlord group known as CHIP (Community Housing Improvement Program) reports that one in four of its members who own rent stabilized apartment buildings say that 30 percent of their tenants did not pay rent during the month of September. Most likely the reason was the adverse economic impact of the Covid-19 pandemic. Some of the smaller owners are joining the fight for more government aid to their tenants, which would thereby facilitate rent payments.

## City Council bill would prevent landlords from seeing applicants' criminal records

The City Council is deliberating a bill to prevent landlords from undertaking a background check on the criminal records of proposed tenants.

The aim of the bill is to insure that people who have served time for an offense — often little more than selling an ounce of marijuana — are not punished twice by being refused to rent an apartment.

Councilman Steven Levin, the main sponsor of the bill, said that



"Nobody should have to do their time twice; the way that we approach criminal justice in our society is that

once you pay your debt to society, you should be able to start over again."

He added that "As we all know the criminal justice system over the last generation or two has been disproportionately impacting particularly Black men, young Black men, who have

been criminalized for things that young white people do all the time."

Landlords, however, are furious at the bill, arguing that if it passes, "you won't know who's living next to you — whether it's a drug dealer or a pedophile," according to Joe Strasburg, spokesperson for the Rent Stabilization Association, an owner group. Tenants, he added, "have a right and an expectation to feel safe in their homes."

Concern over potential tenants' criminal records is not confined to New York. In Vallejo, California, the administration recently cut its ties to a police-run project for landlords in eleven Bay area cities, known as the Crime Free Multi Housing Program, after an investigation by NBC Bay Area found that the program discriminates against people with records, including those with minor infractions or even accusations.

According to NBC, one manual provided by police "instructs landlords that people with police records are 'two-legged predators' and compares criminal activity to a dinosaur that must be killed while it's still in the egg."

## Biden-Harris on housing: rezoning, anti-discrimination, tax credits

(Continued from page 1)  
administration eliminated this rule, argued that he has thereby "saved our suburbs.")

**Provide tax credits to people spending more than 30 percent of their income on housing.** This would entail passing a law similar to the Housing, Opportunity, Mobility, and Equity (HOME) act.

**Ban redlining**--mortgage and insurance discrimination in predominantly Black and Latinx areas--and establish fair property appraisals. Currently, homes owned by Black people tend to be valued well below similar homes owned by whites. According to Forbes, "A study by the Metropolitan Policy Program at the Brookings Institute found that homes of matching quality and amenities in predominantly Black neighborhoods were valued at 23% less than in those neighborhoods with fewer Black residents."

A full description of the Biden/Harris plan for housing was presented in their campaign literature, "The Biden Plan for Investing in Our Communities Through Housing."

It can be accessed at <https://joe-biden.com/housing/>

### Most expensive cities to rent

According to Zumper, an online rental market, the US cities with the highest median rents for a one-bedroom apartment in 2020 are:

- 1) San Francisco - \$3,500
- 2) New York, NY - \$3,000
- 3) Boston - \$2,590
- 4) Oakland - \$2,500
- 5) San Jose - \$2,450
- 6) Los Angeles - \$2,260
- 7) Washington, DC - \$2,260
- 8) Seattle - \$1,800
- 9) Miami - \$1,800
- 10) San Diego - \$1,790

## NYC rents dropping? Not for everybody

How significant is the widely reported drop in New York City's rents? According to some in the media, the drop is noteworthy. "Rents across the city continued their downward spiral in October, even as the number of apartments on the market began to wane," noted a report in The Real Deal, a real estate publication.

Other articles are similar in tone. For example, a story in Curbed New York noted that "It's a renter's market in New York — at least in the city's high-rent districts."

But note that last sentence: "at least in the city's high-rent districts."

The story is notably different in poorer areas. For example, the Curbed article goes on to note that neighborhoods where the COVID-19 pandemic was most severe--overwhelmingly lower income areas--rents had in fact grown.

And even in the wealthier areas--Soho, Tribeca, Greenwich Village, Gramercy Park and parts of the Upper East Side--the decline made only a small dent.

For example, in Manhattan, a three percent drop left median rents at \$3,100 a month--hardly significant for most lower-to middle-income earners, and applicable only for people seeking an apartment, not to those already living in one.

Most tenants hoping to secure reasonable rents in the so-called "renters' market" are likely to be disappointed.

## Judge rules against landlords' lawsuit on NYS rent regs

(Continued from page 1)  
years of case law," Komitee wrote. "That case law supports a broad conception of government power to regulate rents, including in ways that may diminish — even significantly — the value of landlords' property."

His ruling, however, does not signal the end of the owners' efforts to invalidate the laws. The landlord groups said they were looking forward to the case being appealed to a higher court and, ultimately, to the U.S. Supreme Court with its overwhelmingly conservative majority.